

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARISTA RECORDS LLC; ATLANTIC
RECORDING CORPORATION; ARISTA
MUSIC, fka BMG MUSIC; CAPITOL
RECORDS, INC.; ELEKTRA
ENTERTAINMENT GROUP INC.;
INTERSCOPE RECORDS; LAFACE
RECORDS LLC; MOTOWN RECORD
COMPANY, L.P.; PRIORITY RECORDS LLC;
SONY MUSIC ENTERTAINMENT, fka SONY
BMG MUSIC ENTERTAINMENT; UMG
RECORDINGS, INC.; VIRGIN RECORDS
AMERICA, INC.; and WARNER BROS.
RECORDS INC.,

Plaintiffs,

v.

LIME GROUP LLC; LIME WIRE LLC; MARK
GORTON; and M.J.G. LIME WIRE FAMILY
LIMITED PARTNERSHIP,

Defendants.

ECF Case

06 CV 5936 (KMW)(DF)

REPLY DECLARATION OF RITA D. MITCHELL

I, RITA D. MITCHELL, hereby declare as follows:

1. I am admitted to practice before this Court and am associated with the law firm of Willkie Farr & Gallagher LLP (“Willkie Farr”), counsel of record for Lime Group LLC, Lime Wire LLC, Mark Gorton, and M.J.G. Lime Wire Family Limited Partnership (collectively, “Defendants”) in the above-captioned action. I submit this Reply Declaration in support of Defendants’ Motion for Partial Judgment on the Pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure.

2. Attached hereto as Exhibit 1 is a true and correct copy of the Transcript of Proceedings Held Before the Honorable Kimba M. Wood on February 18, 2011.

3. Plaintiffs in their opposition to this motion assert that “Defendants do not say whether even a single one of the ‘judgments’ that Willkie Farr reviewed *granted an award of statutory damages.*” See Plaintiffs’ Opposition Brief at 4. In addition to the statutory damages-based judgment attached to my original declaration in support of this motion at Exhibit 4, I can further confirm that during the review referenced in my original declaration, I or the other Willkie Farr attorneys working at my direction and under my supervision ascertained that all 678 judgments produced by the RIAA, either on their face or with reference to the corresponding complaints produced by the RIAA, were for statutory damages.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 1, 2011.


Rita D. Mitchell